IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.226 OF 2003

IN

NOTICE OF MOTION NO.1541 OF 2001

IN

S.C.SUIT NO.1877 OF 2001

M/s Marico Industries Ltd. ... Appellants

v/s

M/s Rang Sharda Hotels Pvt.Ltd. ... Respondents

WITH

APPEAL FROM ORDER NO.227 OF 2003

IN

NOTICE OF MOTION NO.2812 OF 2001

IN

S.C.SUIT NO.3288 OF 2001

Malti Kapadia ... Appellant

v/s

Rang Sharda Hotels Pvt.Ltd.and ors. ... Respondents

WITH

APPEAL FROM ORDER NO.228 OF 2003

IN

NOTICE OF MOTION NO.2811 OF 2001

IN

S.C.SUIT NO.3287 OF 2001

K.G. Kapadia ... Appellant

v/s

Rang Sharda Hotels Pvt.Ltd. ... Respondents

WITH

APPEAL FROM ORDER NO.229 OF 2003

IN

NOTICE OF MOTION NO.2813 OF 2001

IN

S.C.SUIT NO.3289 OF 2001

Nayan K. Kapadia ... Appellant

v/s

Rang Sharda Hotels Pvt.Ltd. ... Respondents

WITH

APPEAL FROM ORDER NO.230 OF 2003

IN

NOTICE OF MOTION NO.1543 OF 2001

IN

S.C.SUIT NO.1879 OF 2001

M/s Kanji Morarji ... Appellant

v/s

M/s Rang Sharda Hotels Pvt.Ltd. ... Respondents

WITH

APPEAL FROM ORDER NO.231 OF 2003

IN

NOTICE OF MOTION NO.1544 OF 2001

IN

S.C.SUIT NO.1880 OF 2001

M/s Bombay Oil Industries Pvt.Ltd. ... Appellants

v/s

M/s Rang Sharda Hotels Pvt.Ltd. ... Respondents

Mr Janak D. Dwarkadas with Mr Snehal K. Shah and Mr Ramachandran N. i/b M/s Narayanan and Narayanan for Appellants in A.O. Nos.226, 230 and 231 of 2003.

Mr P.N. Modi with Mr Ramachandran N. i/b M/s Narayanan and Narayanan for Appellants in A.O. Nos.227 to 229 of 2003.

Dr Virendra Tulzapurkar with Mr R.V. Pai and Ms Alpana Ghone i/b M/s Kanga and Co. for Respondents.

Mr Janak Dwarkadas with Mr Snehal K. Shah and Mr Ramachandran N. i/b M/s Narayanan and Narayanan for Defendants.

CORAM : D.K. DESHMUKH J.

DATE : 14TH OCTOBER 2005.

P.C. :-

1. By consent of parties and without prejudice to their respective contentions, the appeals from order are disposed off in following terms :-

A) The defendant No.1 shall be at liberty to carry out construction of the 12th floor during the pendency of the suit as per the plan sanctioned by the planning authority and the plaintiffs shall not cause any obstruction or hindrance in the construction work. The construction to be carried out by the defendant No.1 shall be at their own risk as to cost and consequences.

B) The defendant No.1 shall not be entitled to claim any equity on the basis of construction that is carried out on the basis of this order. The defendant No.1 shall also not transfer its right to third party without seeking consent of

this Court.

C) The Trial Court is directed to hear and dispose off the suit as expeditiously as possible.

. Appeals from order are disposed off accordingly.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy.

. Certified copy expedited.